

AMENDED IN ASSEMBLY APRIL 21, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2137

Introduced by Assembly Member Chesbro

February 18, 2010

An act to ~~amend Section 14681~~ *amend, repeal, and add Sections 14540 and 14542* of the Food and Agricultural Code, relating to fertilizer.

LEGISLATIVE COUNSEL'S DIGEST

AB 2137, as amended, Chesbro. Fertilizing material: ~~misbranding:~~ labels.

Existing law generally regulates fertilizing materials, as defined, ~~and provides for the licensure of persons who manufacture or distribute fertilizing materials including the labeling of fertilizing materials.~~ Existing law defines "label" and "labeling" for purposes of these provisions.

This bill would, until January 1, 2015, provide that "label" and "labeling" do not include a certified laboratory analysis showing the nutrient contents of compost, cocompost, or mulch, as defined, if the laboratory analysis documentation contains a specified statement, as provided.

~~Existing law prohibits a person from distributing misbranded fertilizing materials and provides specified conditions under which a fertilizing material will be deemed to be misbranded.~~

~~This bill would provide that a certified lab analysis showing the nutrient contents of compost, cocompost, or mulch, as defined, does not constitute a label claim for purposes of these provisions relating to fertilizing materials.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 14540 of the Food and Agricultural Code*
2 *is amended to read:*
3 14540. (a) “Label” means the display of all written, printed,
4 or graphic matter on the immediate container of, or a statement,
5 including the guaranteed analysis, accompanying fertilizing
6 material.
7 (b) *Notwithstanding the registration and fee requirements of*
8 *Article 5 (commencing with Section 14601) and Article 6*
9 *(commencing with Section 14611), “label” does not include a*
10 *certified laboratory analysis showing the nutrient contents of*
11 *compost, cocompost, or mulch, as defined in subdivision (c) of*
12 *Section 12207 of the Public Contract Code, if the laboratory*
13 *analysis documentation states in 12-point boldface type, with*
14 *underscored text, that the compost, cocompost, or mulch “is*
15 *produced by a process that is inherently variable, due to variation*
16 *in feedstock and natural variation in biological processes.*
17 *Therefore, the nutrient content of the material you are buying may*
18 *vary from the data in the attached laboratory analysis. If you wish*
19 *to assess the range of variability, please ask for prior laboratory*
20 *analyses for material produced by the same process.”*
21 (c) *This section shall remain in effect only until January 1, 2015,*
22 *and as of that date is repealed, unless a later enacted statute, that*
23 *is enacted before January 1, 2015, deletes or extends that date.*
24 SEC. 2. *Section 14540 is added to the Food and Agricultural*
25 *Code, to read:*
26 14540. (a) “Label” means the display of all written, printed,
27 or graphic matter on the immediate container of, or a statement,
28 including the guaranteed analysis, accompanying fertilizing
29 material.
30 (b) *This section shall become operative on January 1, 2015.*
31 SEC. 3. *Section 14542 of the Food and Agricultural Code is*
32 *amended to read:*
33 14542. (a) “Labeling” means all written, printed, or graphic
34 matter on, accompanying, or used in promoting the sale of any

1 fertilizing material, including advertisements, brochures, posters,
2 and television and radio announcements.

3 *(b) Notwithstanding the registration and fee requirements of*
4 *Article 5 (commencing with Section 14601) and Article 6*
5 *(commencing with Section 14611), “labeling” does not include a*
6 *certified laboratory analysis showing the nutrient contents of*
7 *compost, cocompost, or mulch, as defined in subdivision (c) of*
8 *Section 12207 of the Public Contract Code, if the laboratory*
9 *analysis documentation states in 12-point boldface type, with*
10 *underscored text, that the compost, cocompost, or mulch “is*
11 *produced by a process that is inherently variable, due to variation*
12 *in feedstock and natural variation in biological processes.*
13 *Therefore, the nutrient content of the material you are buying may*
14 *vary from the data in the attached laboratory analysis. If you wish*
15 *to assess the range of variability, please ask for prior laboratory*
16 *analyses for material produced by the same process.”*

17 *(c) This section shall remain in effect only until January 1, 2015,*
18 *and as of that date is repealed, unless a later enacted statute, that*
19 *is enacted before January 1, 2015, deletes or extends that date.*

20 *SEC. 4. Section 14542 is added to the Food and Agricultural*
21 *Code, to read:*

22 *14542. (a) “Labeling” means all written, printed, or graphic*
23 *matter on, accompanying, or used in promoting the sale of any*
24 *fertilizing material, including advertisements, brochures, posters,*
25 *and television and radio announcements.*

26 *(b) This section shall become operative on January 1, 2015.*

27 ~~SECTION 1. Section 14681 of the Food and Agricultural Code~~
28 ~~is amended to read:~~

29 ~~14681. (a) No person shall distribute misbranded fertilizing~~
30 ~~materials. A fertilizing material shall be deemed to be misbranded~~
31 ~~under any of the following conditions:~~

32 ~~(1) If its labeling is false or misleading in any particular way.~~

33 ~~(2) If it is distributed under the name of another fertilizing~~
34 ~~material.~~

35 ~~(3) If it is not labeled as required by regulations adopted~~
36 ~~pursuant to this chapter.~~

37 ~~(4) If it purports to be, or is represented as, a fertilizing material,~~
38 ~~or is represented as containing a primary or secondary plant nutrient~~
39 ~~or micronutrients, or both, unless the plant nutrients conform to~~
40 ~~the definition of identity, if any, prescribed by regulation. In~~

1 ~~adopting these regulations, due regard shall be given to commonly~~
2 ~~accepted definitions and official fertilizer terms such as those~~
3 ~~prescribed by the Association of American Plant Food Control~~
4 ~~Officials.~~

5 ~~(b) Providing a certified lab analysis showing the nutrient~~
6 ~~contents of compost, cocompost, or mulch, as defined in~~
7 ~~subdivision (c) of Section 12207 of the Public Contract Code, does~~
8 ~~not constitute a label claim for purposes of this chapter.~~

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